

**Region 6 Business Review**  
**August 24, 2020**  
**ARD Countermeasures**

**SIP Metrics**

RM01 (Number of Nonattainment Areas)

- As part of an A3 project Peter Tsirigotis, Director of the Office of Air Quality Planning and Standards (OAQPS), sent out a letter to States encouraging them to work with EPA to redesignate areas that are now attaining National Ambient Air Quality Standards (NAAQS) but are currently designated nonattainment.
- Peter encouraged Texas to work towards redesignating:
  - El Paso to attainment for the coarse particulate matter (PM-10) air quality standard.
  - Titus, Freestone, and Anderson Counties to attainment for the sulfur dioxide air quality standard.
- Peter encouraged Louisiana to work towards redesignating St. Bernard Parish to attainment for the sulfur dioxide air quality standard.

RM02 (Number of SIPs acted on) and RM03 (SIPs Acted on within 18 Months)

- The last few months we've been discussing two key monthly bowling chart metrics for SIPs:
  - Metric RM02: "Number of SIPs acted on".
  - Metric RM03: "SIPs Acted on within 18 Months".
- In the July Business Review meeting David Gray said he preferred for Red to really be Red.
- In the case of Metric RM02 and Metric RM03 Red is not really Red, because the monthly SIP targets are not being met because annual SIP targets have already been achieved earlier in the fiscal year than anticipated.
- You may remember that in the June 22 Monthly Business meeting Henry Darwin provided a possible process for adjusting our SIP bowling chart targets.
- I followed up with Henry and others but so far there is no process for adjusting the SIP bowling charts.
- Most recently Betsy Shaw of OAR sent a July 29 email to Henry Darwin requesting an exemption from creating countermeasures for situations like ours rather than proposing target changes.
- In her email Betsy also noted that Regions have described the countermeasure requirement in such situations like ours as a "disincentive" and "penalty."
- We appreciate Betsy's request, but we'll still have situations where Red does not really mean Red.
- Nevertheless, we developed countermeasures for Metrics RM02 and RM03.
- The major countermeasure we have for both Metrics is to develop responses to comments we received for 2 SIP proposals.

RM04 (SIP Backlog)

- Our target for July was 20, but we missed it slightly with 21 backlogged SIPs.

- We miscalculated on the number of backlogged SIPs we would have at the end of July.
- TCEQ has requested that we not act on one of the backlogged SIPs as it pertains to litigation on our approval of the Houston SIP for revoked ozone standards.

## **Air Permitting Metric**

RM18 (Backlogged new permit applications. Sum of NPDES, UIC, RCRA, PCB, NSR and Title V pending longer than the statutory timeframes)

- RM18 FY20 performance metric targets did not include Air Division backlog target projections. At the time, the inclusion of air permitting was under discussion with the National Program Manager (NPM) after Regional bids for Water Division permitting actions were input in BFS.
- The FY21 metric performance targets will include ARD target projections and we are anticipating to have this completed in October – as shown in our action registry based on a schedule to be set with the National Program Office and its management for future Business Review purposes. [Or, the ARD metrics are moved to the Program Business Review]
- In the national NSR Kaizen event held 3-years ago, the issue related to regulatory timeline differences for PSD and title V permits associated with Deepwater Port Act Licenses was raised. We understood that this issue was elevated to EPA senior management within the Office of Policy (OP) and/or Federal Activities Program to see if process improvements could be implemented. Representatives from OP are included in all monthly USCG (US Coast Guard) / MARAD (US Maritime Administration) interagency conference call invitations and we are not aware of any process improvement resolutions to require MARAD/USCG to align with EPA's permit issuance regulatory timeframes. Historical EPA practice is not to issue final EPA air permits until after the Record of Decision (ROD) is issued.

In this project's situation, the additional time is needed to complete additional on-shore survey work and analysis to respond to the 50,000+ comments received by USCG/MARAD Environmental Impact Statement (EIS) review. Most of the comments received by USCG/MARAD are related to the onshore portion of the project. The EPA Region 6 air permit is not anticipated to be impacted by any of the currently proposed onshore alternative analysis. The EPA Region 6 draft construction and operating air permits were proposed for a 30-day public comment period starting on 11/20/19 and one comment letter was received regarding EPA's jurisdictional authority to issue CAA permits on the Outer Continental Shelf (OCS) in the Western Gulf of Mexico. Since we've already proposed our draft permit and proceeded through the public comment process on our draft permits, we fully anticipate being in a position to issue the final permit to issue the final permit upon MARAD/USCG's issuance of the ROD in the April 2021.

## Countermeasure Graphs

### SIPs

Metric ID	Performance Metric Title	Target Direction		Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
<b>Regional Metrics</b>															
RM01. REGION 6.OAR	Number of Nonattainment Areas	Decreasing	Target	8	8	8	8	8	8	8	8	8	8	8	8
			Actual	8	8	8	8	8	8	8	8	8	8		
RM02. REGION 6.OAR	Number of SIPs acted on	Increasing	Target	6	0	1	1	0	1	0	5	3	2	2	0
			Actual	6	0	1	4	0	8	2	9	0	0		
RM03. REGION 6.OAR	SIPs Acted on within 18 Months	Increasing	Target	0	0	2	0	0	1	0	1	2	1	2	0
			Actual	0	0	0	4	0	4	0	3	0	0		
RM04. REGION 6.OAR	SIP Backlog	Decreasing	Target	18	21	21	20	21	23	28	23	21	20	20	20
			Actual	17	20	19	19	20	18	20	21	21	21		

### Air Permitting

